

DEPARTMENT OF SOCIAL SERVICES

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July 22, 1980

ALL-COUNTY LETTER NO. 80-44

TO: ALL COUNTY WELFARE DIRECTORS

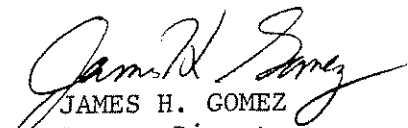
SUBJECT: Chapter 146, Statutes 1980 - Domestic Violence Centers

REFERENCE:

This is to notify you that Chapter 146, Statutes of 1980 (SB 1246 - Presley) has been enacted as an emergency measure effective July 1, 1980. The intent of this legislation is to generate funds through an increase in marriage license fees to support domestic violence programs. The legislation provides that the funds generated will be channeled to the local board of supervisors, who are empowered to approve programs for funding. The board shall designate a local agency to monitor the programs approved for funding.

Because domestic violence programs are social service programs it would seem appropriate that county welfare departments seek designation as the local monitoring agency. Attached for your review and information is a copy of this legislation.

Should you have any questions contact: Colleen Elise Day
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JAMES H. GOMEZ
Deputy Director

Senate Bill No. 1246

CHAPTER 146

An act to add Sections 26840.7 and 26840.8 to the Government Code, and to amend the heading of Chapter 5 (commencing with Section 18290) of Part 6 of Division 9 of, and to amend Sections 18290 and 18293 of, and to add Sections 18294, 18295, 18296, 18297, 18298, 18304 and 18305 to, and to repeal and add Section 18291 of, the Welfare and Institutions Code, and to repeal Sections 2 and 3 of Chapter 892 of the Statutes of 1977, relating to domestic violence, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 3, 1980. Filed with
Secretary of State June 4, 1980.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1246, Presley. Domestic violence centers.

Existing law provides for the establishment and funding, on a demonstration basis, of a statewide network of domestic violence project centers. These centers are required to submit quarterly reports and a final report on or before October 1, 1979, to the Department of Social Services, and the department is required to submit a report on or before January 1, 1980, to the Legislature.

This bill would provide for the continuation of those centers already in existence or the establishment of new programs by the state. Counties would also be authorized to establish domestic violence programs. This bill would further provide that such programs will assist victims of "domestic violence" as defined, their children, and physically handicapped victims of domestic violence. This bill would set forth the types of services which shall be offered by such programs and further provide that such programs shall make an effort to employ formerly battered spouses and persons who are bilingual.

Existing law provides for a \$10 fee to be paid for issuing a marriage license and for portions of this fee to be deposited with officials, departments, and funds as specified by law. Existing law also provides a \$10 fee to be paid for the filing of certificates of marriage to those persons who get married without a license.

This bill would authorize the county clerk to collect an additional \$8 fee at the time of the issuance or filing of a marriage license or certificate, as the case may be, for deposit into county domestic violence programs special funds for funding of county programs. Money not used for county programs would be deposited in the General Fund, as specified, and the State Controller would be required to ensure that the amount so deposited would be obligated to repay any General Fund appropriation made in the 1980 Budget Act and thereafter would be used to finance domestic violence

programs as specified. The bill would also provide for disbursement of the fees in the special county fund to approved programs on a yearly, or more frequent basis commencing July 1, 1980. This bill would also provide that a special county fund shall be used to support domestic violence programs established by a county, and that no more than 10 percent of a county domestic violence fund shall be spent for administrative costs associated with implementation of this act and no more than 4% of such funds shall be used to cover the costs incurred by counties electing not to participate.

The bill would also provide that any appropriation made in the 1980 Budget Act for the continued support of the six domestic violence programs established in the state by Chapter 892 of the Statutes of 1977 be allocated equally among the respective boards of supervisors of the counties in which the domestic violence programs are located for disbursement by the boards in the manner specified.

Under existing law, Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement. The statutory provisions requiring reimbursement will be supplemented by a constitutional requirement of reimbursement effective for statutes enacted on or after July 1, 1980.

This bill provides that no appropriation is made by this act because self-financing authority is provided, as specified.

This bill would take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 26840.7 is added to the Government Code, to read:

26840.7. In addition to the fee prescribed by Section 26840 and as authorized by Section 26840.3, the county clerk shall collect a fee of eight dollars (\$8) at the time of issuance of the license. Such fee shall be disposed of by the clerk pursuant to the provisions of Chapter 5 (commencing with Section 18290) of Part 6 of Division 9 of the Welfare and Institutions Code.

SEC. 1.5. Section 26840.8 is added to the Government Code, to read:

26840.8. In addition to the fee prescribed by Section 26840.1 and as authorized by Section 26840.3, the county clerk shall collect a fee of eight dollars (\$8) at the time of filing the certificate. Such fee shall be disposed of by the clerk pursuant to the provisions of Chapter 5 (commencing with Section 18920) of Part 6 of Division 9 of the Welfare and Institutions Code.

SEC. 2. The heading of Chapter 5 (commencing with Section 18290) of Part 6 of Division 9 of the Welfare and Institutions Code

is amended to read:

CHAPTER 5. THE DOMESTIC VIOLENCE CENTERS ACT

SEC. 3. Section 18290 of the Welfare and Institutions Code is amended to read:

18290. The Legislature hereby finds and declares that there is a present and growing need to develop innovative strategies and services which will ameliorate and reduce the trauma of domestic violence. There are hundreds of thousands of persons in this state who are regularly beaten. In many such cases, the acts of domestic violence lead to the death of one of the involved parties. Victims of domestic violence come from all socioeconomic classes and ethnic groups, though it is the poor who suffer most from marital violence, since they have no immediate access to private counseling and shelter for themselves and their children. Children, even when they are not physically assaulted, very often suffer deep and lasting emotional effects, and it is most often the children of those parents who commit domestic violence that continue the cycle and abuse their spouses.

The Legislature further finds and declares that there is a high incidence of deaths and injuries sustained by law enforcement officers in the handling of domestic disturbances. Police arrests for domestic violence are low, and victims are reluctant to press charges or make citizens arrests. Furthermore, instances of domestic violence are considered to be the single most unreported crime in the state.

It is the intention of the Legislature to begin to explore and determine ways of achieving reductions in serious and fatal injuries to the victims of domestic violence and begin to clarify the problems, causes, and cures of domestic violence. In order to achieve these results, it is the intention of the Legislature that the state shall support projects in several areas throughout the state for the purpose of aiding victims of domestic violence by providing them a place to escape the destructive environment.

SEC. 4. Section 18291 of the Welfare and Institutions Code is repealed.

SEC. 5. Section 18291 is added to the Welfare and Institutions Code, to read:

18291. Definitions.

(a) "Domestic violence" means abuse perpetrated by and committed against a family or household member.

(b) "Family or household member" means spouse, former spouse, or any other adult person who regularly resides in the household and has sexual relations with another family or household member residing in the household, or who within the last six months regularly resided in the household during which time he or she had sexual relations with another family or household member presently

residing in the household.

SEC. 6. Section 18293 of the Welfare and Institutions Code is amended to read:

18293. In order to be eligible for funding pursuant to this chapter, the programs shall demonstrate their ability to receive and make use of any funds available from governmental, voluntary, philanthropic, or other sources which may be used to augment any state or county funds appropriated for the purposes of this chapter. Each program shall make every attempt to qualify the program for any available federal funding.

No provision of this section is intended to prohibit programs receiving funds pursuant to this chapter, from receiving additional funds from any other public or private source. Funds provided pursuant to this chapter shall not be used to reduce the financial support from other public or private sources.

Proposed or existing programs which meet the requirements set forth in Section 18294, shall receive funding pursuant to this chapter upon the approval of the local board of supervisors. Prior to approving a program or programs for such funding, the board shall consult with individuals and groups which have expertise in the problems of domestic violence and in the operation of domestic violence programs. Upon approving one or more programs for funding, the board shall direct the county treasurer to disburse moneys from the county's domestic violence program special fund and for funding, the board shall designate a local agency to monitor the program or programs. Such monitoring shall include information regarding the number of persons requesting services; the number of persons receiving services according to the type of services provided; and the need, if any, for additional services or staffing.

Programs which receive funding from the provisions of this chapter shall, to the extent feasible, provide services to physically handicapped victims of domestic violence. If the program cannot provide the services, then the program's staff, to the extent feasible, shall assist in referring the handicapped person to other programs and services in the community where assistance may be obtained.

SEC. 7. Section 18294 is added to the Welfare and Institutions Code, to read:

18294. Such programs shall be designed to provide the following basic services to victims of domestic violence and their children:

- (a) Shelter on a 24 hours a day, seven days a week basis.
- (b) A 24 hours a day, seven days a week switchboard for crisis calls.
- (c) Temporary housing and food facilities.
- (d) Psychological support and peer counseling.
- (e) Referrals to existing services in the community and followup on the outcome of the referrals.
- (f) A drop-in center to assist victims of domestic violence who have not yet made the decision to leave their homes, who have found other shelter but who have a need for support services.

(g) Arrangements for school age children to continue their education during their stay at the center.

(h) Emergency transportation to the shelter, and when appropriate, arrangements with local law enforcement for assistance in providing such transportation.

SEC. 8. Section 18295 is added to the Welfare and Institutions Code, to read:

18295. In addition to the services required in Section 18294, to the extent possible, and in conjunction with already existing community services, the centers shall provide a method of obtaining the following services for the victims of domestic violence:

(a) Medical care.

(b) Legal assistance.

(c) Psychological support and counseling.

(d) Information regarding reeducation, marriage and family counseling, job counseling and training programs, housing referrals and other available social services.

SEC. 9. Section 18296 is added to the Welfare and Institutions Code, to read:

18296. The staff of the programs shall work with social service agencies, schools, and law enforcement agencies in an advocacy capacity for those served by the programs.

SEC. 10. Section 18297 is added to the Welfare and Institutions Code, to read:

18297. The staff of each program shall attempt to achieve community support and acceptance of the program by advocating the program to community representatives and groups within the community. Volunteers shall be trained and used to maximum capacity in the delivery of services.

SEC. 11. Section 18298 is added to the Welfare and Institutions Code, to read:

18298. Inasmuch as the programs are to serve a variety of cultural backgrounds, to the extent feasible, a portion of the program's personnel shall be bilingual. An effort shall be made to recruit formerly battered spouses as staff members.

SEC. 12. Section 18304 is added to the Welfare and Institutions Code, to read:

18304. Any county may establish a program for reducing the incidence of domestic violence in the county by establishing or funding domestic violence programs which meet the requirements of this chapter.

Geographically adjacent counties may combine their respective domestic violence program funds in order to establish one or more programs meeting the requirements of this chapter, in order to provide services to the clients of each county that combines its funds with another county.

SEC. 13. Section 18305 is added to the Welfare and Institutions Code, to read:

18305. At the time of issuance of a marriage license pursuant to Section 26840 of the Government Code, eight dollars (\$8) of each fee paid shall be collected by the county clerk for deposit at the county's election into the county domestic violence programs special fund. The fees collected in this special fund shall be disbursed to approved programs on a yearly or more frequent basis commencing July 1, 1980.

The county clerk shall, at the request of the board of supervisors, deposit eight dollars (\$8) of each fee into a county domestic violence programs special fund. The county domestic violence programs special fund shall fund programs established pursuant to Section 18304. No more than 10 percent of the funds shall be expended for the administrative costs associated with the collection and segregation of the additional marriage license fees, administration of the county special fund, monitoring of the programs, and meeting the other administrative requirements imposed by this chapter. Counties which do not participate in the establishing or funding of domestic violence programs pursuant to this chapter, shall be entitled to retain up to 4 percent of the funds for the administrative costs associated with the collection and segregation of the additional marriage license fees and the deposit of these fees in the General Fund in the State Treasury. Any money not used by the county for programs described pursuant to this chapter, shall be deposited in the General Fund.

The State Controller shall ensure that the amount deposited in the General Fund pursuant to this section shall be obligated to repay any General Fund appropriation made in the 1980 Budget Act; and thereafter shall be used to finance domestic violence programs in those counties where the revenue generated pursuant to this chapter does not exceed two thousand dollars (\$2,000) per year.

SEC. 14. Section 2 of Chapter 892 of the Statutes of 1977 is repealed.

SEC. 15. Section 3 of Chapter 892 of the Statutes of 1977 is repealed.

SEC. 15.5. It is the Legislature's intent that any appropriation made in the 1980 Budget Act for the continued support of the six domestic violence programs established in the state by Chapter 892 of the Statutes of 1977, shall be allocated equally among each of the respective boards of supervisors of the counties in which the domestic violence programs are located for disbursement by the boards of supervisors to the programs no later than July 1, 1980. The purpose of this provision is to continue General Fund support of the six pilot programs until the revenue is made available to them through other provisions of this bill.

SEC. 16. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because self-financing authority is provided in this act to cover costs that may be incurred in carrying

on any program or performing any service required to be carried on or performed by this act.

SEC. 17. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Public awareness of the physical and psychological repercussions of domestic violence continues to grow. As this awareness grows, the need becomes greater to achieve reductions in injuries to the victims of this violence and to clarify the problems, causes, and cures of domestic violence. It is imperative that innovative strategies and services be developed to ameliorate and reduce the trauma of domestic violence and that programs be available as safe havens for those suffering these traumas.

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